

CRM-M-5729-2019

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-5729-2019

Date of Decision: 26.02.2019

Jagmohan Singh @ Fauji

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vipul Aggarwal, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. H.S.Batth, Advocate for
the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.21 dated 23.02.2018, registered at Police Station Chohla Sahib, District Tarn Taran, under Sections 379-B, 295, 323, 148 and 149 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

CRM-M-5729-2019

As per the FIR, on 22.02.2018, at about 5.00 P.M., when Jaskaran Singh and Gurlal Singh, son and nephew of complainant, respectively were returning home on their motor-cycle, they were stopped by the present petitioner alongwith 10-12 persons, who were standing there. They also caused injuries to Jaskaran Singh and Gurlal Singh. As per the allegations, these persons had also snatched the mobile make Redmi YI of Jaskaran Singh and mobile make Redmi A1 of Gurlal Singh.

Learned counsel for the petitioner submitted that the petitioner is an armyman and he has been falsely implicated in the present case.

In pursuance of the interim order dated 07.02.2019 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 07.02.2019, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

26.02.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No